

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUN - 1 2015

JASON DEAN GALBRAITH,)
)
Plaintiff,)
)
vs.)
)
GARFIELD COUNTY JAIL et al.,)
)
Defendants.)

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY DEPUTY

No. CIV-15-277-W

ORDER

On May 14, 2015, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that this action be dismissed without prejudice to refiling. Plaintiff Jason Dean Galbraith, proceeding pro se and in forma pauperis, was advised of his right to object, see Doc. 17 at 3, and the matter comes before the Court on Galbraith's objection to the Report and Recommendation and his request for additional time to file an amended complaint. See Doc. 19.

On April 8, 2015, Magistrate Judge Purcell found Galbraith's complaint was deficient under Rule 8(a), F.R.Civ.P., and failed to state a claim for relief. See Ashcroft v. Iqbal, 556 U.S. 662 (2009). The Magistrate Judge described the pleading as "a mish-mash of allegations with insufficient information concerning dates, times, and participants," Doc. 12 at 4, and he directed Galbraith to file an amended complaint. Rather than correct the deficiencies in his pleading, Galbraith has complained that he has been denied access to a law library and that he needs additional time to comply with Magistrate Judge Purcell's Order.

Upon de novo review of the record, the Court agrees with Magistrate Judge Purcell that Galbraith's complaint fails to comply with Rule 8(a), supra, and his finding that Galbraith has been less than diligent in prosecuting this action.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 17] filed on May 14, 2015, to that extent;

(2) but rather than dismiss the action without prejudice at this point in the litigation, GRANTS Galbraith an extension of time to file his amended complaint and ORDERS him to file his amended pleading on or before June 29, 2015;

(3) ADVISES Galbraith that the contents of his amended pleading should comply with Rule 8(a), supra, and the Order issued by Magistrate Judge Purcell on April 8, 2015, see Doc. 12; and

(4) further ADVISES Galbraith that no extension of this deadline will be granted and that his failure to comply with this Order, Magistrate Judge Purcell's Order and/or Rule 8(a), supra, shall result in dismissal of this action without prejudice.

ENTERED this 1st day of June, 2015.


LEE R. WEST
UNITED STATES DISTRICT JUDGE